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January 29, 2014

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL


Mr. Raymond Basso
Director, Lower Passaic River Project
Emergency and Remedial Response
Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Lower Passaic River Study Area

Dear Mr. Basso:

Enclosed please find a copy of the presentation that the CPG representatives plan to give to Mathy Stanislaus during the meeting scheduled for January 31, 2014.

Very truly yours,


William H. Hyatt, Jr.

cc: Mr. Walter Mugdan, Director

NW-452472 v1

Anthony P. La Rocco, Administrative Partner, New Jersey
klgates.com

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EPA Headquarters Executive Briefing

Cooperating Parties Group
January 31, 2014

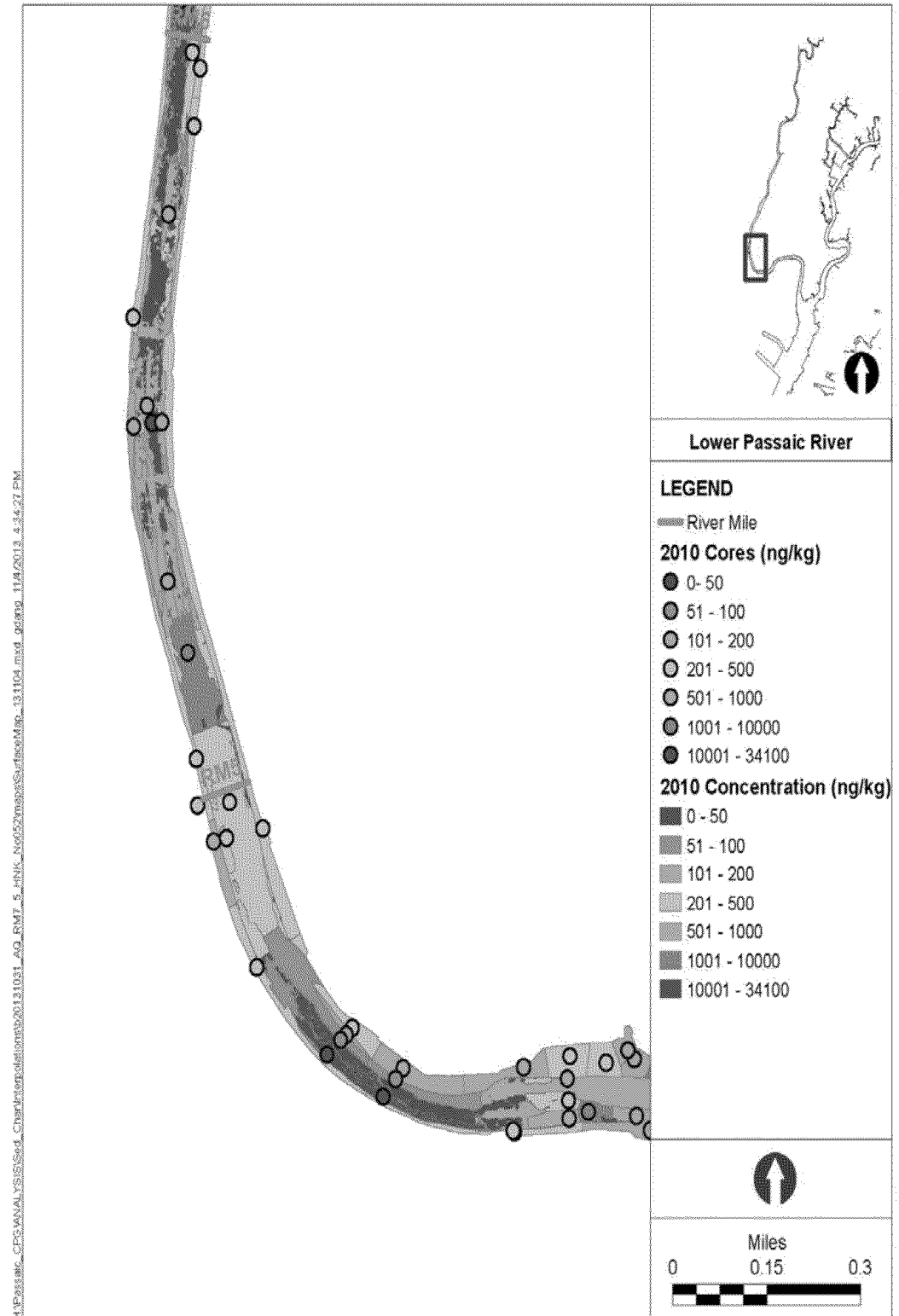
The CPG's Sustainable Remedy

- Protective of Human Health and Environment
- Also Supports Improvement of Local Watershed and River Communities
- RI/FS and FFS Schedules Have Converged
 - RI/FS to Region 2 by end of 2014
 - Fully Develop Remedial Action **within the NCP Process**
 - EPA and CPG are converging on key technical issues
- Provides All Parties an Opportunity for Success

RI/FS Nearly Complete

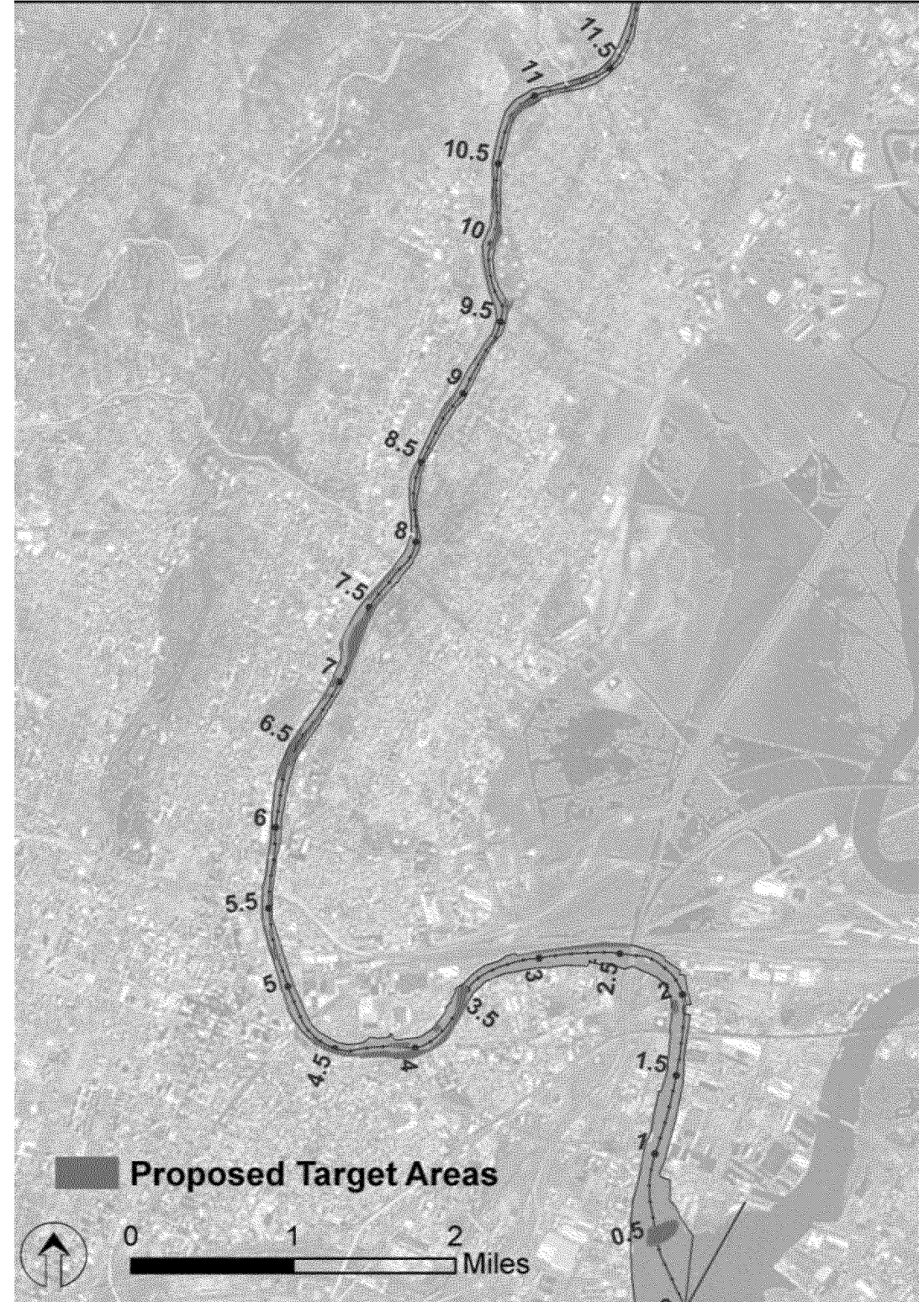
- Draft RI/FS Scheduled for Region 2 Submission by End of 2014
- \$120+ MM RI is Basis for Remedy:
 - Sediment sampling (>1,400 locations/5000 samples)
 - Water column sampling (8 events)
 - Ecological sampling
 - Tissue sampling – 392 samples
 - Toxicity & Bioaccumulation Testing
 - Fish, benthic invertebrate, avian and habitat surveys
 - Bathymetry surveys – 2007, 2008, 2010, 2011 (2x), and 2012
 - RM 10.9 focused investigation
- Using all the data supports a Targeted Remedy

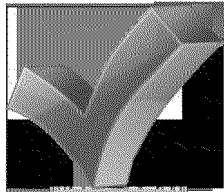
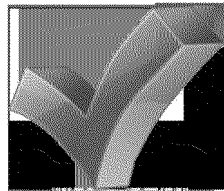
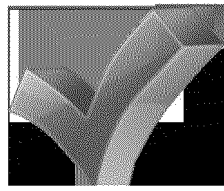
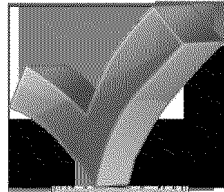
- Targeted Remedy uses multiple lines of evidence to identify structure in the data
- Removal of areas with TCDD > 500 ppt in surface sediment will reduce average surface concentrations to 120 – 150 ppt
- Concentrations of other contaminants reduced to near background levels
- Targeted remedy maximizes efficiency of remediation
- Protective of human health



Proposed Target Areas

- Areas identified using multiple lines of evidence
- ~600,000 cy to be removed
- Will reduce surface concentrations of TCDDs by 80% and bring PCBs and other contaminants to background levels
- Exact shape of target areas to be refined in remedial design
 - RM10.9 experience



Human Health Exposure Scenarios	Site-wide Risk After Remediation (Target Risk Range)
<ul style="list-style-type: none"> • Wader 	
<ul style="list-style-type: none"> • Swimmer 	
<ul style="list-style-type: none"> • Boater 	
<ul style="list-style-type: none"> • Worker 	
<ul style="list-style-type: none"> • Angler/ Fish Consumer 	<p>Reduced – Approaches Target Risk Range</p>

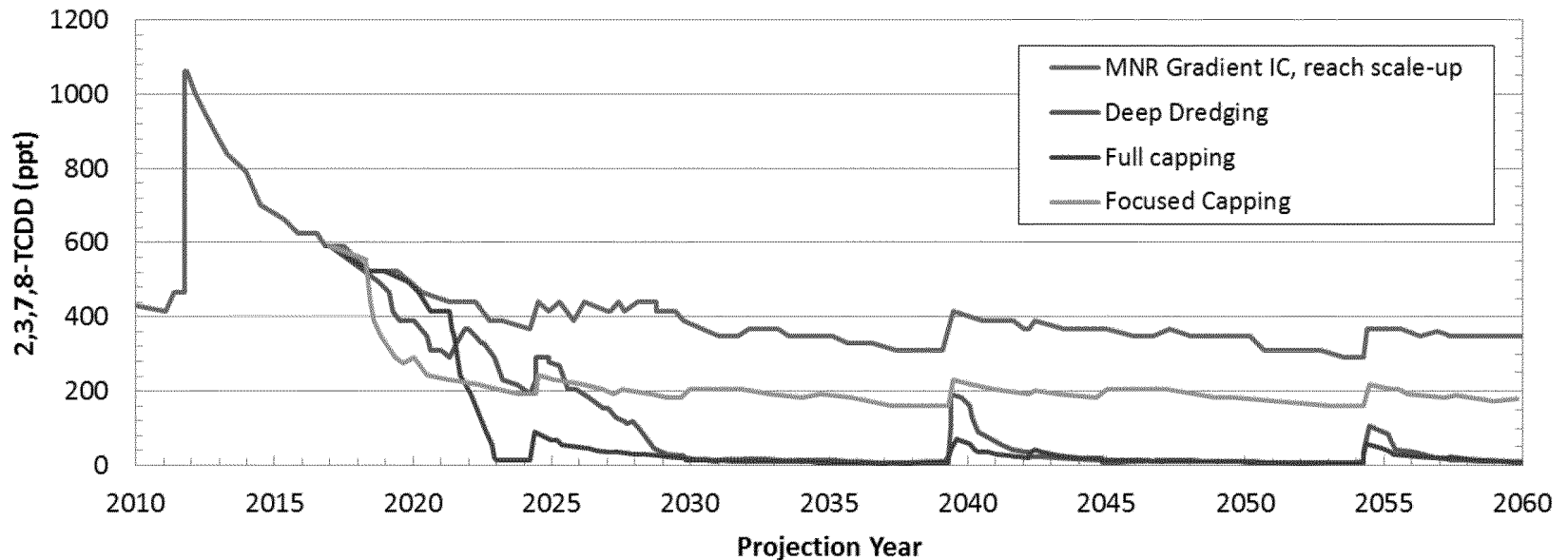
Modeling Projections Beginning to Converge

EPA

Realistic
Durations?

Can 10 ppt
be achieved?

How does
river recover
after storms?



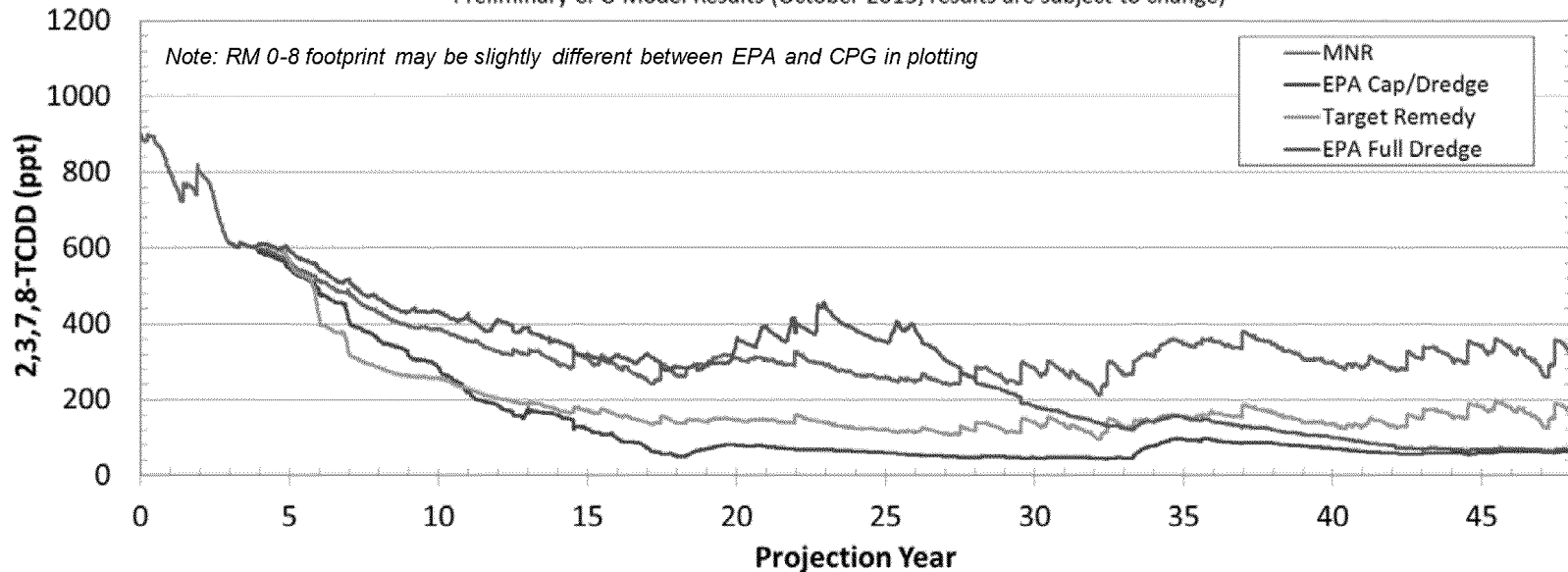
Quicker Risk
Reduction

After 15
years,
targeted and
cap/dredge
remedies are
similar

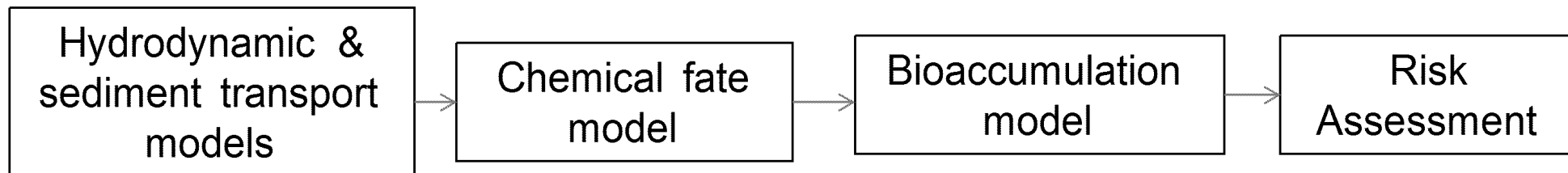
After 35 years
all remedies
are similar

CPG

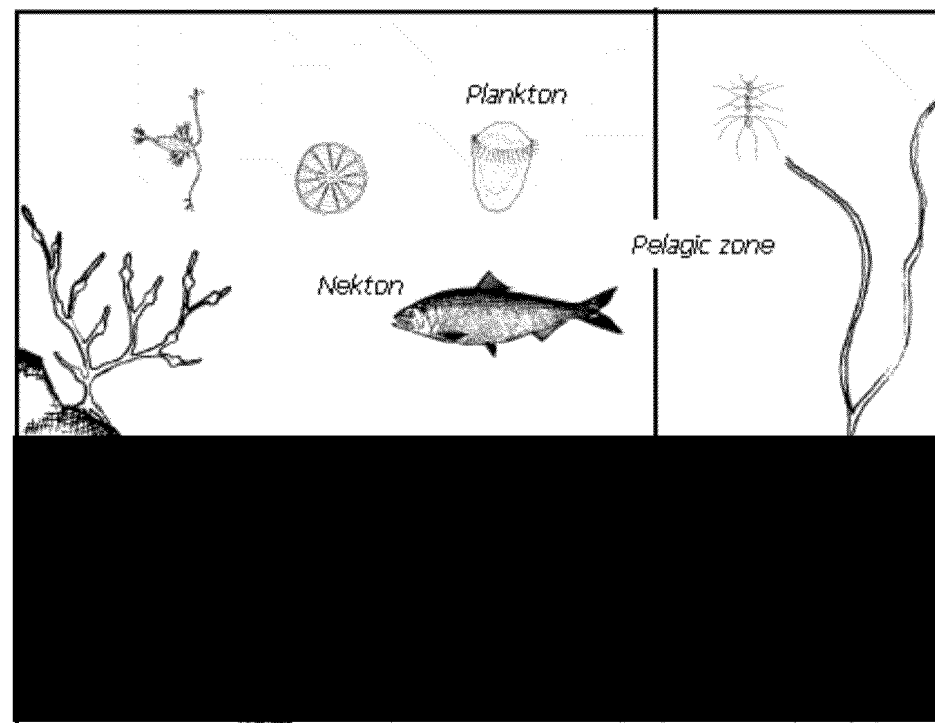
Preliminary CPG Model Results (October 2013; results are subject to change)



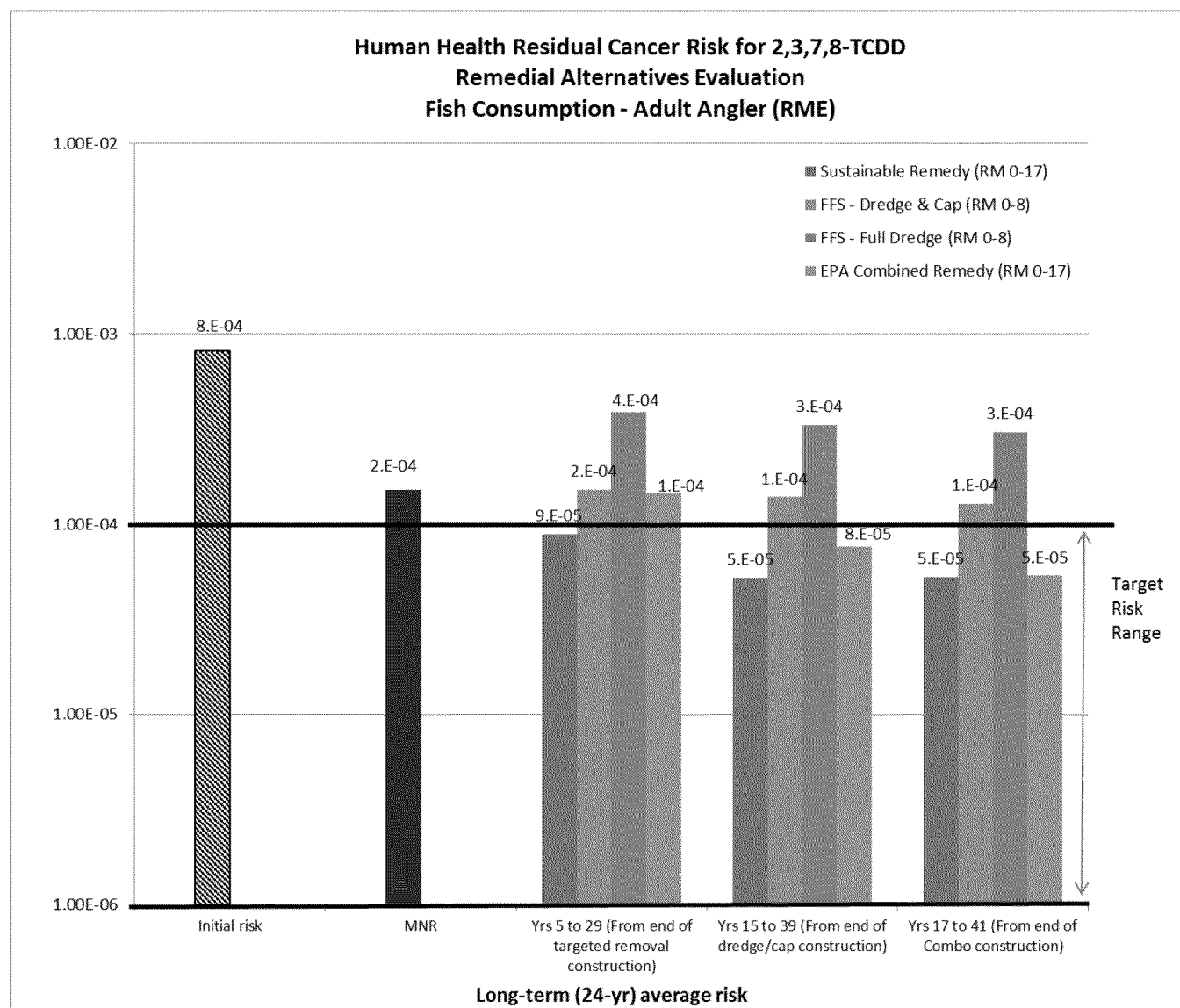
Incorporation of Bioaccumulation Model (Required by AOC)



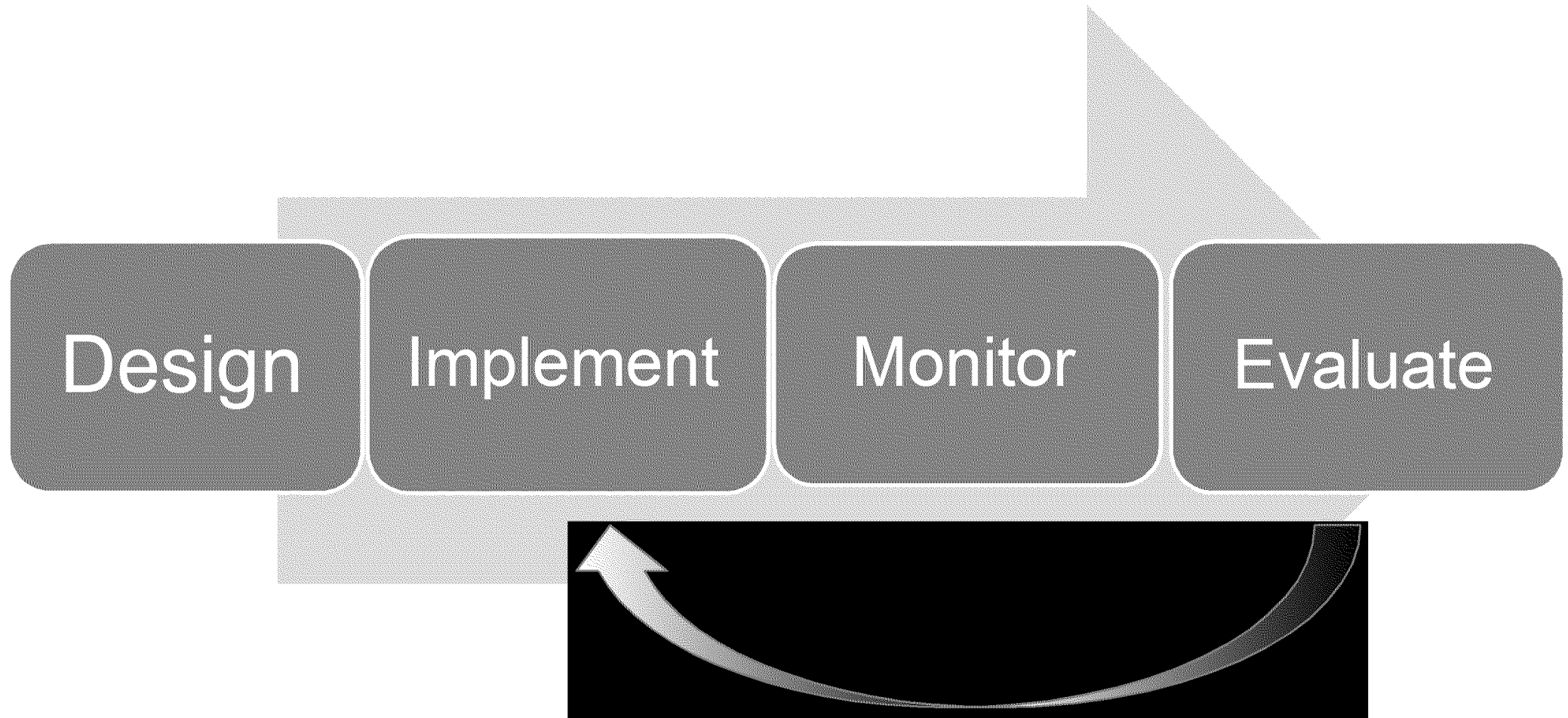
- Same model & approach as used under EPA oversight in the Lower Duwamish and Portland Harbor Superfund sites
- Used to make site-specific, long-term projections of mean tissue concentrations for evaluation of remedial action alternatives
- Conclusion: targeted remedy will adequately reduce fish tissue levels



Remedial Alternatives Evaluation – TCDD

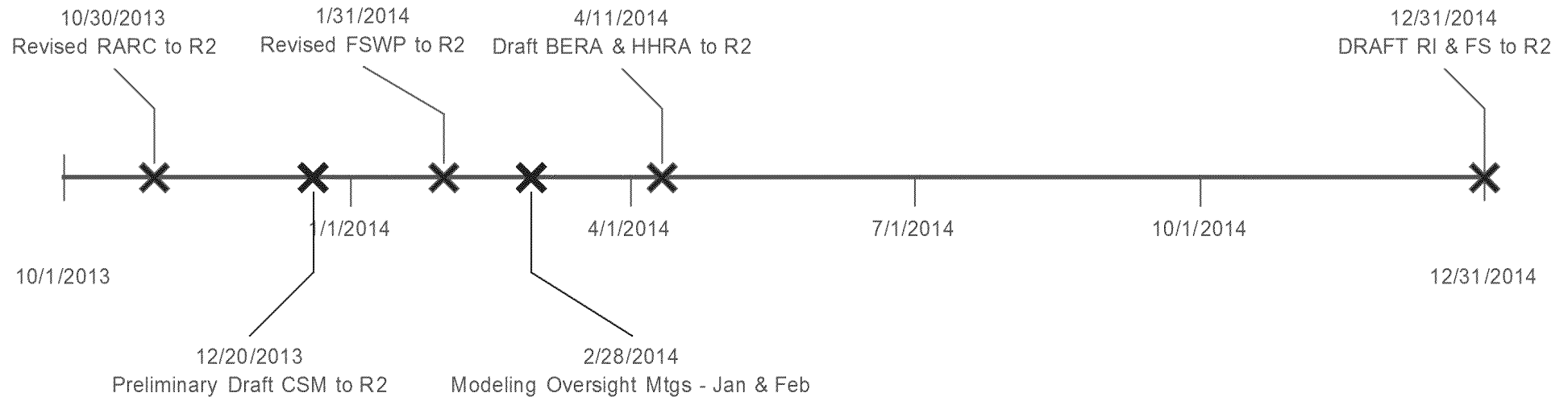


Sustainable Remedy Based on “Adaptive Management”



How do you best address uncertainty?

2013/2014 LPRSA RI/FS Timeline

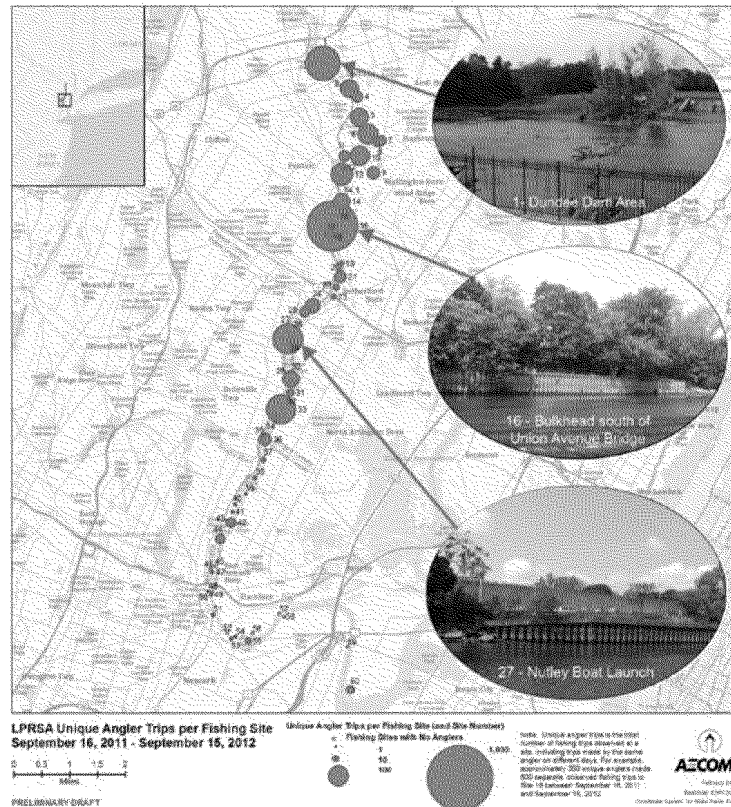


- Finish RI/FS in 2014
- Select Remedial Alternative for Entire 17-Mile Study Area

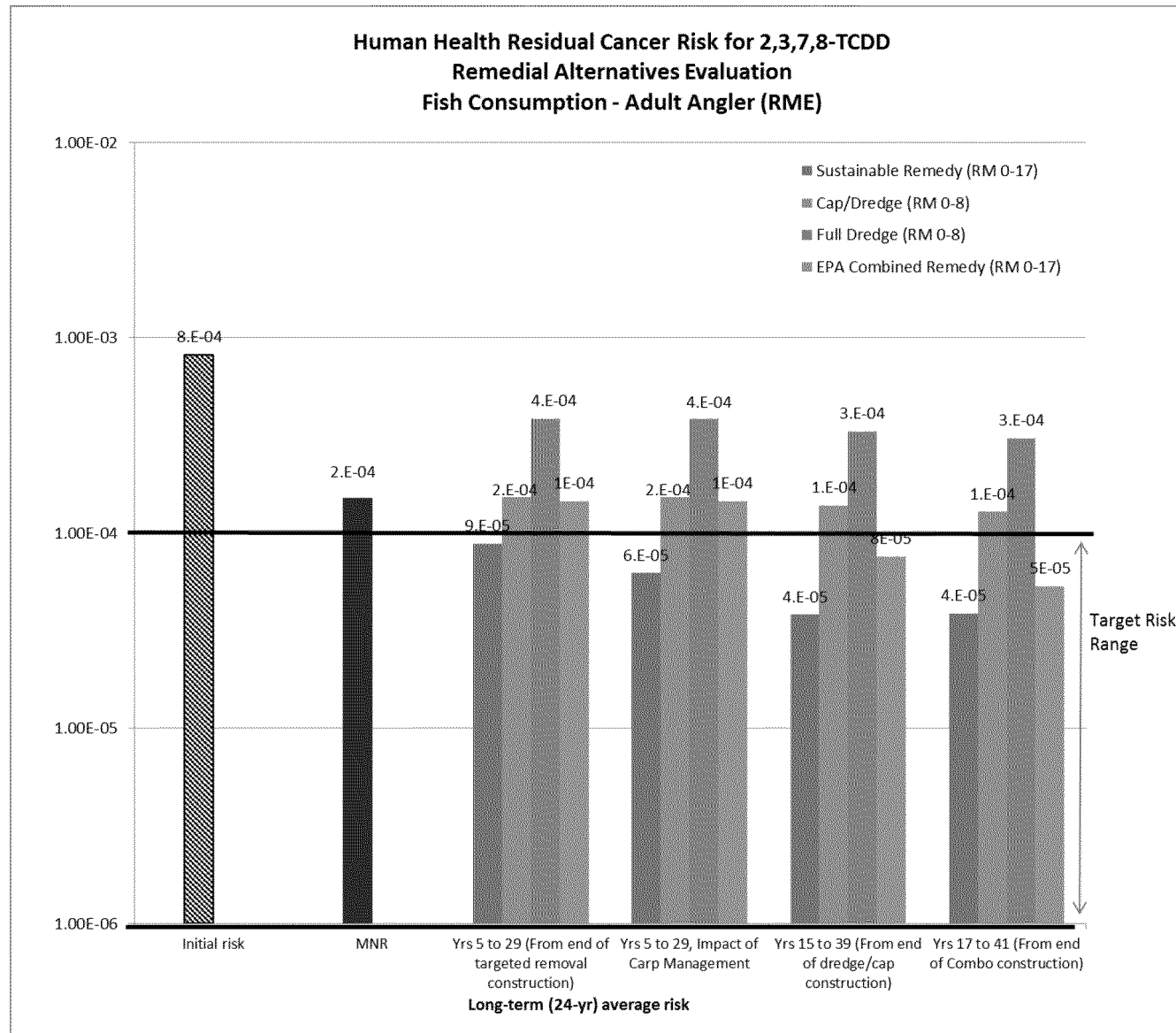
What We Have Learned by Engaging with the Community

Things we have heard:

- Need for rapid, effective action
- Support development
- Jobs and education
- Reconnect the communities to the river
- Involve entire community in decision-making



Remedial Alternatives Evaluation – TCDD with Carp Management



2014 Fish Exchange Pilot Program

Goal: protect public health during remediation

Pilot will evaluate the efficacy of providing healthy, clean fish and vegetables to local anglers

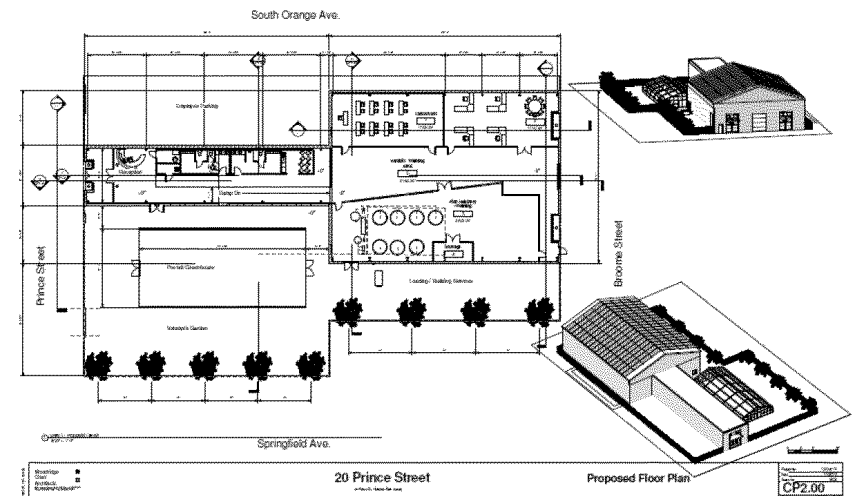
- Ongoing effort to reach out to communities to gain knowledge of local fishing habits
- Rutgers University developing program to evaluate the pilot and so that an ongoing program can be more effective
- Program would be tracked and monitored to support adaptive management

Build Local Aquaponics Facility

CPG is teaming with:

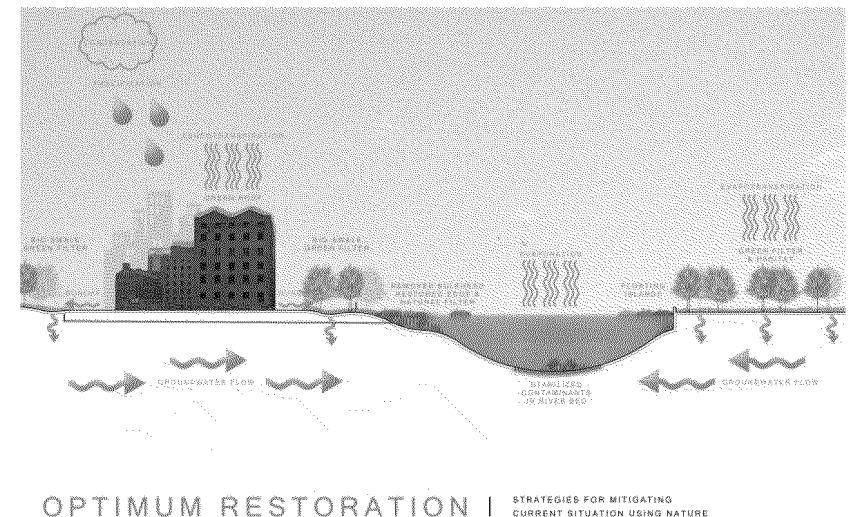
Metropolitan Baptist Church, Rutgers University, Essex County Community College and the GI GO Fund

- Train and employ local veterans
- Full-scale system will provide STEM education opportunities for K -12
- Grow fresh vegetables and fish in the community
- Develop a platform for a sustainable business in Newark



CPG Implemented Program to Support Community Based Restoration

- Provided funding for sustainable master planning in Hudson County and with Passaic River Coalition
- Funded community tree farm to assure local supply of plants for future restoration
- Negotiating NRD restoration opportunities with trustees
- Designing park restoration in Lyndhurst



Site Plan



- | | | |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------|
| 1. AMPHITHEATER SEATING STEPS NORTHERN RIVERWALK TERMINUS | 7. SMALL WATERCRAFT BOAT LAUNCH AND FLOATING DOCKS | 15. EXISTING PARKING LOT |
| 2. PUBLIC BOAT LAUNCH RAMP AND FLOATING DOCK (CURRENTLY EMERGENCY OFFICIAL USE ONLY) | 8. RECONFIGURED PARKING LOT (EXTENDED AREA AND PERMEABLE PAVEMENT) | 16. STORMWATER TREATMENT / WET MEADOW HABITAT |
| 3. RIVERWALK (PRIMARY PATHWAY) | 9. EVERGREEN BUFFER SCREENING EXISTING UTILITIES AND STORAGE BUILDING | 17. EXISTING BOCCIE COURTS |
| 4. RIVERWALK (SECONDARY PATHWAY, PEDESTRIAN USE) WITH LEARNING NODES PERMEABLE PAVEMENT. | 10. ENVIRONMENTAL EDUCATION CENTER | 18. BRIDGE AND BOARDWALK OVERLOOK |
| 5. REGENERATED RIPARIAN FOREST HABITAT | 11. OPEN LAWN / GATHERING SPACE | 19. EXISTING BASEBALL FIELD |
| 6. (REGENERATED RIVER BRIDGE) TIDAL MARSH HABITAT (LOW + HIGH) | 12. EXISTING PICNIC PAVILION WITH TABLES | 20. OVERLOOK / SOUTHERN RIVERWALK TERMINUS |
| | 13. BOARDWALK OVERLOOK | |
| | 14. UPLAND MEADOW HABITAT | |

Summary

The Sustainable Remedy

- Protective of Human Health and the Environment
- Satisfies NCP and consistent with EPA guidance
- Based on comprehensive RI and Addresses Entire Study Area
- Incorporates experience gained in removal actions
- If not protective, CPG commits to further remediation
- CPG is committed to making this work